

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

**KELLYE EDEN, next of kin of  
Matthew Eden,**

**Plaintiff,**

**v.**

**COMMISSIONER OF SOCIAL SECURITY  
ADMINISTRATION,**

**Defendant.**

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**Case No. CIV-13-1316-L**

**REPORT AND RECOMMENDATION**

Plaintiff, appearing through counsel, has filed an Application to Proceed *In Forma Pauperis*, **ECF No. 2**. United States District Judge Tim Leonard has referred the matter to the undersigned Magistrate Judge for initial proceedings consistent with 28 U.S.C. § 636(b)(1)(B). The Court entered an Order, ECF No. 5, on January 7, 2014 directing the Plaintiff to clarify the information she provided in the Application to Proceed *In Forma Pauperis*. Having reviewed the Plaintiff's Application and Reply, ECF No. 6, the undersigned finds that the Plaintiff has the financial ability to prepay the filing fees. Specifically, in the Plaintiff's response she indicates that since filing her application to proceed *in forma pauperis* she received a \$25,000.00 life insurance payment and she no longer believes she meets the criteria for pauperis status. Because Plaintiff does not qualify for authorization to proceed without prepayment of the filing fee, it is recommended that the Plaintiff's Application Proceed *In Forma Pauperis*, **ECF No. 2**, be **DENIED** and that she be ordered to prepay the full \$400.00 filing fee for this action to proceed. 28 U.S.C. § 1915(a)(1).

Plaintiff is advised that she may file an objection to this Report and Recommendation with the Clerk of this Court by **February 10, 2014**. Plaintiff is further advised that failure to make timely objection to this Report and Recommendation waives the right to appellate review of the factual and legal issues addressed herein. *Casanova v. Ulibarri*, 595 F.3d 1120, 1123 (10<sup>th</sup> Cir. 2010).

This Report and Recommendation **DOES NOT** terminate the referral by the District Judge in this matter.

**IT IS SO ORDERED** on January 27, 2014.

  
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SHON T. ERWIN  
UNITED STATES MAGISTRATE JUDGE